

[Second Reprint]

SENATE, No. 1184

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED JANUARY 30, 2014

Sponsored by:

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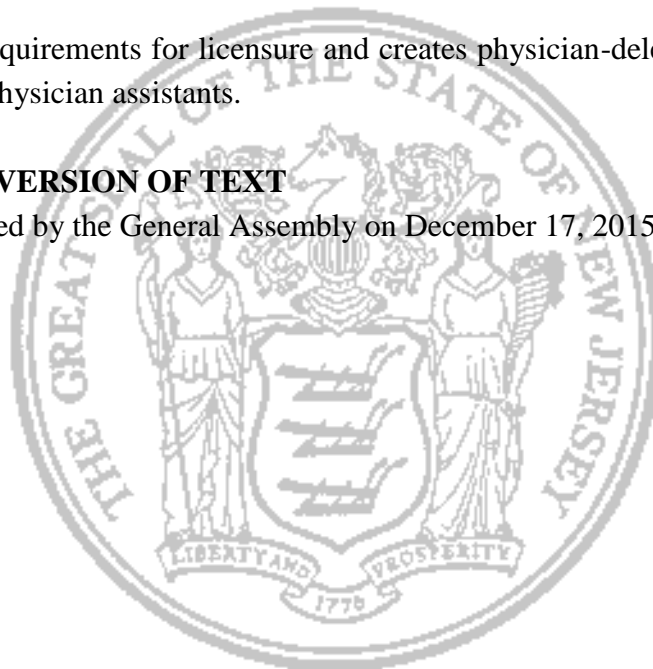
District 17 (Middlesex and Somerset)

SYNOPSIS

Revises requirements for licensure and creates physician-delegated scope of practice for physician assistants.

CURRENT VERSION OF TEXT

As amended by the General Assembly on December 17, 2015.



(Sponsorship Updated As Of: 1/12/2016)

1 AN ACT concerning the licensure and scope of practice of physician
2 assistants, amending and supplementing P.L.1991, c.378,
3 amending P.L.1983, c.308 and P.L.1988, c.125, and repealing
4 various parts of the statutory law.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 2 of P.L.1991, c.378 (C.45:9-27.11) is amended to
10 read as follows:

11 2. As used in this act:

12 **"[Approved] Accredited** program" means an education program
13 for physician assistants which is **[approved] accredited** by the
14 **[Committee on Allied Health Education and Accreditation]**
15 **Accreditation Review Commission on Education for the Physician**
16 **Assistant or its predecessor or successor agency.**

17 "Board" means the State Board of Medical Examiners created
18 pursuant to R.S.45:9-1.

19 "Committee" means the Physician Assistant Advisory Committee
20 established pursuant to section 11 of **[this act] P.L.1991, c.378**
21 **(C.45:9-27.20).**

22 "Director" means the Director of the Division of Consumer
23 Affairs.

24 "Health care facility" means a health care facility as defined in
25 section 2 of P.L.1971, c.136 (C.26:2H-2).

26 "Institution" means any of the charitable, hospital, relief and
27 training institutions, noninstitutional agencies, and correctional
28 institutions enumerated in R.S.30:1-7.

29 "Physician assistant" means a **[person] health professional** who
30 **meets the qualifications under P.L.1991, c.378 (C.45:9-27.10 et**
31 **seq.) and holds a current, valid license issued pursuant to section 4**
32 **of [this act] P.L.1991, c.378 (C.45:9-27.13) ¹[and practices**
33 **medicine under the supervision of a physician]¹.**

34 "Physician" means a person licensed to practice medicine and
35 surgery pursuant to chapter 9 of Title 45 of the Revised Statutes.

36 "Veterans' home" means the New Jersey Veterans' Memorial
37 Home – Menlo Park, the New Jersey Veterans' Memorial Home –
38 Vineland, and the New Jersey Veterans' Memorial Home –
39 Paramus.

40 (cf: P.L.1992, c.102, s.1)

41
42 2. Section 4 of P.L.1991, c.378 (C.45:9-27.13) is amended to
43 read as follows:

44 4. a. The board shall issue a license as a physician assistant to

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted December 8, 2014.

²Assembly floor amendments adopted December 17, 2015.

1 an applicant who has fulfilled the following requirements:

2 (1) Is at least 18 years of age;

3 (2) Is of good moral character;

4 (3) Has successfully completed an **approved** accredited
5 program; and

6 (4) Has passed the national certifying examination administered
7 by the National Commission on Certification of Physician
8 Assistants, or its successor.

9 b. In addition to the requirements of subsection a. of this
10 section, an applicant for renewal of a license as a physician
11 assistant shall:

12 (1) Execute and submit a sworn statement made on a form
13 provided by the board that neither the license for which renewal is
14 sought nor any similar license or other authority issued by another
15 jurisdiction has been revoked **[,]** or suspended **[or not renewed]**;
16 and

17 (2) Present satisfactory evidence that any continuing education
18 requirements have been completed as required by **[this act]**
19 P.L.1991, c.378 (C.45:9-27.10 et seq.).

20 c. The board, in consultation with the committee, may accept,
21 in lieu of the **[examination required by paragraph (4)]** requirements
22 of subsection a. of this section, proof that an applicant for licensure
23 holds a current license in a state which has standards substantially
24 equivalent to those of this State.

25 d. **[The board shall issue a temporary license to an applicant**
26 **who meets the requirements of paragraphs (1), (2) and (3) of**
27 **subsection a. of this section and who is either waiting to take the**
28 **first scheduled examination following completion of an approved**
29 **program or is awaiting the results of the examination. The**
30 **temporary license shall expire upon the applicant's receipt of**
31 **notification of failure to pass the examination.]** (Deleted by
32 amendment, P.L. , c.)(pending before the Legislature as this
33 bill)

34 e. A physician assistant who notifies the board in writing on
35 forms prescribed by the board may elect to place the physician
36 assistant's license on inactive status. A physician assistant with an
37 inactive license shall not be subject to the payment of renewal fees
38 and shall not practice as a physician assistant. A licensee who
39 engages in practice while the physician assistant's license is lapsed
40 or on inactive status shall be deemed to have engaged in
41 professional misconduct in violation of subsection e. of section 8 of
42 P.L.1978, c.73 (C.45:1-21) and shall be subject to disciplinary
43 action by the committee pursuant to P.L.1978, c.73 (C.45:1-14 et
44 seq.). A physician assistant requesting restoration from an inactive
45 status shall be required to pay the current renewal fee and shall be
46 required to meet the criteria for renewal as specified by the board.

47 (cf: P.L.1993, c.337, s.1)

1 3. Section 6 of P.L.1991, c.378 (C.45:9-27.15) is amended to
2 read as follows:

3 6. a. A physician assistant may practice in all medical care
4 settings, including, but not limited to, a physician's office, a health
5 care facility, an institution, a veterans' home, or a private home,
6 provided that:

7 (1) the physician assistant **[is]** ¹practices medicine **] performs**
8 medical services within the physician assistant's education,
9 training, and experience¹ under the **[direct]** supervision of a
10 physician pursuant to section 9 of **[this act]** P.L.1991, c.378
11 (C.45:9-27.18);

12 (2) the practice of the physician assistant is limited to those
13 procedures ¹enumerated under section 7 of P.L.1991, c.378 (C.45:9-
14 27.16), and any other procedures¹ that are delegated to the
15 physician assistant by the supervising physician, as authorized
16 under ¹subsection d. of¹ section 7 of **[this act]** P.L.1991, c.378
17 (C.45:9-27.16);

18 (3) **[an appropriate notice of employment has been filed with**
19 **the board pursuant to subsection b. of section 5 of this act;]**
20 (Deleted by amendment, P.L. _____, c. _____)(pending before the
21 Legislature as this bill)

22 (4) the supervising physician or physician assistant advises the
23 patient at the time that services are rendered that they are to be
24 performed by the physician assistant;

25 (5) the physician assistant conspicuously wears an identification
26 tag using the term "physician assistant" ¹or the designation, "PA-C"
27 or "PA"¹ whenever acting in that capacity; and

28 (6) any entry by a physician assistant in a clinical record is
29 appropriately signed and followed by the designation, **["PA-C."]**
30 "PA-C" or "PA."

31 b. Any physician assistant who practices in violation of any of
32 the conditions specified in subsection a. of this section shall be
33 deemed to have engaged in professional misconduct in violation of
34 subsection ¹**[f.] e.**¹ of section 8 of P.L.1978, c.73 (C.45:1-21).

35 (cf: P.L.1992, c.102, s.4)

36

37 4. Section 7 of P.L.1991, c.378 (C.45:9-27.16) is amended to read
38 as follows:

39 7. a. A physician assistant may perform **[the following**
40 **procedures:]** ¹those duties and responsibilities, including the
41 ordering, prescribing, dispensing, and administering of drugs and
42 medical devices, that are delegated by the supervising physician. A
43 physician assistant may provide any medical service that is delegated
44 by the supervising physician when the service is within the physician
45 assistant's skills, forms a component of the supervising physician's
46 scope of practice, and is provided under the physician's supervision.
47 A physician assistant may perform a task that is not within the

1 supervising physician's scope of practice, provided that the
2 supervising physician has adequate training, oversight skills, and
3 supervisory and referral arrangements to ensure competent provision
4 of the service by the physician assistant.] the following procedures:¹

5 (1) **Approaching a patient to elicit a detailed and accurate history,**
6 **perform an appropriate physical examination, identify problems,**
7 **record information and interpret and present information to the**
8 **supervising physician;]** ¹**[(Deleted by amendment, P.L. _____,**
9 **c.)(pending before the Legislature as this bill)]** Approaching a
10 patient to elicit a detailed and accurate history, perform an appropriate
11 physical examination, identify problems, record information, and
12 interpret and present information to the supervising physician;¹

13 (2) **Suturing and caring for wounds including removing sutures**
14 **and clips and changing dressings, except for facial wounds, traumatic**
15 **wounds requiring suturing in layers and infected wounds;]** ¹**[(Deleted**
16 **by amendment, P.L. _____, c.)(pending before the Legislature as this**
17 **bill)]** Suturing and caring for wounds including removing sutures and
18 clips and changing dressings, except for facial wounds, traumatic
19 wounds requiring suturing in layers, and infected wounds;¹

20 (3) **Providing patient counseling services and patient education**
21 **consistent with directions of the supervising physician;]** ¹**[(Deleted by**
22 **amendment, P.L. _____, c.)(pending before the Legislature as this bill)]**
23 Providing patient counseling services and patient education consistent
24 with directions of the supervising physician;¹

25 (4) **Assisting a physician in an inpatient setting by conducting**
26 **patient rounds, recording patient progress notes, determining and**
27 **implementing therapeutic plans jointly with the supervising physician**
28 **and compiling and recording pertinent narrative case summaries;]**
29 ¹**[(Deleted by amendment, P.L. _____, c.)(pending before the**
30 **Legislature as this bill)]** Assisting a physician in an inpatient setting
31 by conducting patient rounds, recording patient progress notes,
32 determining and implementing therapeutic plans jointly with the
33 supervising physician, and compiling and recording pertinent narrative
34 case summaries;¹

35 (5) **Assisting a physician in the delivery of services to patients**
36 **requiring continuing care in a private home, nursing home, extended**
37 **care facility or other setting, including the review and monitoring of**
38 **treatment and therapy plans;]** ¹**[(Deleted by amendment, P.L. _____, c.**
39 **)(pending before the Legislature as this bill)]** Assisting a physician in
40 the delivery of services to patients requiring continuing care in a
41 private home, nursing home, extended care facility, or other setting,
42 including the review and monitoring of treatment and therapy plans;¹
43 ²and²

44 (6) **Facilitating the referral of patients to, and promoting their**
45 **awareness of, health care facilities and other appropriate agencies and**

1 resources in the community; and] ¹[(Deleted by amendment, P.L. ,
 2 c.)(pending before the Legislature as this bill)] Referring patients to,
 3 and promoting their awareness of, health care facilities and other
 4 appropriate agencies and resources in the community ²[: and¹] .²

5 (7) [Such other procedures suitable for discretionary and routine
 6 performance by physician assistants as designated by the board
 7 pursuant to subsection a. of section 15 of this act.] ¹[(Deleted by
 8 amendment, P.L. , c.)(pending before the Legislature as this bill)]
 9 ²[Such other procedures suitable for discretionary and routine
 10 performance by physician assistants as designated by the board
 11 pursuant to subsection a. of section 15 of P.L.1991, c.378 (C.45:9-
 12 27.24).¹] (Deleted by amendment, P.L. , c.) (pending before the
 13 Legislature as this bill)²

14 b. [A physician assistant may perform the following procedures
 15 only when directed, ordered or prescribed by the supervising physician
 16 or specified in accordance with protocols promulgated pursuant to
 17 subsection c. of section 15 of this act:] ¹[(Deleted by amendment,
 18 P.L., c.) (pending before the Legislature as this bill)] A physician
 19 assistant may perform the following procedures only when directed,
 20 ordered, or prescribed by the supervising physician ²[or specified in
 21 accordance with protocols promulgated pursuant to subsection c. of
 22 section 15 of P.L.1991, c.378 (C.45:9-27.24)] , or when performance
 23 of the procedure is delegated to the physician assistant by the
 24 supervising physician as authorized under subsection d. of this
 25 section² :¹

26 (1) [Performing non-invasive laboratory procedures and related
 27 studies or assisting duly licensed personnel in the performance of
 28 invasive laboratory procedures and related studies;] ¹[(Deleted by
 29 amendment, P.L. , c.)(pending before the Legislature as this bill)]
 30 Performing non-invasive laboratory procedures and related studies or
 31 assisting duly licensed personnel in the performance of invasive
 32 laboratory procedures and related studies;¹

33 (2) [Giving injections, administering medications and requesting
 34 diagnostic studies;] ¹[(Deleted by amendment, P.L. , c.)(pending
 35 before the Legislature as this bill)] Giving injections, administering
 36 medications, and requesting diagnostic studies;¹

37 (3) [Suturing and caring for facial wounds, traumatic wounds
 38 requiring suturing in layers and infected wounds;] ¹[(Deleted by
 39 amendment, P.L. , c.)(pending before the Legislature as this bill)]
 40 Suturing and caring for facial wounds, traumatic wounds requiring
 41 suturing in layers, and infected wounds;¹

42 (4) [Writing prescriptions or ordering medications in an inpatient
 43 or outpatient setting in accordance with section 10 of this act; and]
 44 ¹[(Deleted by amendment, P.L. , c.)(pending before the
 45 Legislature as this bill)] Writing prescriptions or ordering medications

1 in an inpatient or outpatient setting in accordance with section 10 of
 2 P.L.1991, c.378 (C.45:9-27.19);¹ ²and²

3 (5) **【Such other procedures as may be specified in accordance with**
 4 **protocols promulgated in accordance with subsection b. of section 15**
 5 **of this act.】¹ **【(Deleted by amendment, P.L. _____, c. _____)(pending before**
 6 **the Legislature as this bill)】 Prescribing the use of patient restraints ²【;**
 7 **and****

8 (6) Such other procedures as may be specified in accordance with
 9 protocols promulgated in accordance with subsection b. of section 15
 10 of P.L.1991, c.378 (C.45:9-27.24)】².¹

11 c. **【A physician assistant may assist a supervising surgeon in the**
 12 **operating room when a qualified assistant physician is not required by**
 13 **the board and a second assistant is deemed necessary by the**
 14 **supervising surgeon.】¹ **【(Deleted by amendment, P.L. _____,**
 15 **c. _____)(pending before the Legislature as this bill)】 A physician assistant**
 16 **may assist a supervising surgeon in the operating room when a**
 17 **qualified assistant physician is not required by the board and a second**
 18 **assistant is deemed necessary by the supervising surgeon.****

19 d. A physician assistant may perform medical services beyond
 20 those explicitly authorized in this section, when such services are
 21 delegated by a supervising physician with whom the physician
 22 assistant has signed a delegation agreement pursuant to section 8 of
 23 P.L.1991, c.378 (C.45:9-27.17). The procedures delegated to a
 24 physician assistant shall be limited to those customary to the
 25 supervising physician's specialty and within the supervising
 26 physician's ²and the physician assistant's² competence and training.¹

27 ²e. Notwithstanding subsection d. of this section, a physician
 28 assistant shall not be authorized to measure the powers or range of
 29 human vision, determine the accommodation and refractive states of
 30 the human eye, or fit, prescribe, or adapt lenses, prisms, or frames for
 31 the aid thereof. Nothing in this subsection shall be construed to
 32 prohibit a physician assistant from performing a routine visual
 33 screening.²

34 (cf: P.L.1998, c.125, s.1)

35

36 5. Section 8 of P.L.1991, c.378 (C.45:9-27.17) is amended to
 37 read as follows:

38 8. a. **【A physician may delegate to a physician assistant under**
 39 **his supervision only those procedures identified in section 7 of this**
 40 **act.】 (Deleted by amendment, P.L. _____, c. _____)(pending before the**
 41 **Legislature as this bill)**

42 b. Any physician who permits a physician assistant under **【his】**
 43 **the physician's** supervision to practice contrary to the provisions of
 44 **¹【this act】 P.L.1991, c.378 (C.45:9-27.10 et seq.)¹** shall be deemed
 45 to have engaged in professional misconduct in violation of
 46 subsection e. of section 8 of P.L.1978, c.73 (C.45:1-21) and shall be

1 subject to disciplinary action by the board pursuant to P.L.1978,
2 c.73 (C.45:1-14 et seq.);

3 c. In the performance of **[a medical procedure]** all practice-
4 related activities, including, but not limited to, the ordering of
5 diagnostic, therapeutic, and other medical services, a physician
6 assistant shall be conclusively presumed to be the agent of the
7 physician under whose supervision the physician assistant is
8 **[performing] practicing ¹[medicine]¹.**

9 d. A physician who supervises a physician assistant ¹[shall]
10 may¹ maintain a written ¹delegation¹ agreement with the physician
11 assistant. ¹A physician assistant shall sign a separate written
12 agreement with each physician who delegates medical services in
13 accordance with the provisions of subsection d. of section 7 of
14 P.L.1991, c.378 (C.45:9-27.16). However, a written delegation
15 agreement may be executed by a single-specialty physician practice,
16 provided it is signed by all of the delegating physicians supervising
17 the physician assistant. In the case of a multi-specialty physician
18 practice, a written delegation agreement may be executed for each
19 physician specialty within the practice, provided it is signed by all
20 of the delegating physicians supervising the physician assistant in
21 that specialty area. Nothing in this section shall authorize the
22 execution of a global written delegation agreement between a
23 physician assistant and a multi-specialty physician practice.¹ The
24 agreement shall ¹:

25 (1)¹ state that the physician will exercise supervision over the
26 physician assistant in accordance with the provisions of P.L.1991,
27 c.378 (C.45:9-27.10 et seq.) and any rules adopted by the board
28 ¹[and will retain professional and legal responsibility for the care
29 rendered by the physician assistant. The agreement shall] ;

30 (2)¹ be signed ¹and dated annually¹ by the physician and the
31 physician assistant ¹[. The agreement shall] , and updated as
32 necessary to reflect any changes in the practice or the physician
33 assistant's role in the practice; and

34 (3)¹ be kept on file at the practice site ¹[and made available to
35 the board upon request] , be provided to the Physician Assistant
36 Advisory Committee, and be kept on file by the committee.

37 e. The delegation agreement shall include, but need not be
38 limited to, the following provisions:

39 (1) The physician assistant's role in the practice, including any
40 specific aspects of care that require prior consultation with the
41 supervising physician;

42 (2) A determination of whether the supervising physician
43 requires personal review of all charts and records of patients and
44 countersignature by the supervising physician of all medical
45 services performed under the delegation agreement, including
46 prescribing and administering medication as authorized under
47 section 10 of P.L.1991, c.378 (C.45:9-27.19). This provision shall

1 state the specified time period in which a review and
2 countersignature shall be completed by the supervising physician.
3 If no review and countersignature is necessary, the agreement must
4 specifically state such provision; and

5 (3) The locations of practice where the physician assistant may
6 practice under the delegation agreement, including licensed
7 facilities in which the physician authorizes the physician assistant to
8 provide medical services¹ .

9 (cf: P.L.1991, c.378, s.8)

10

11 6. Section 9 of P.L.1991, c.378 (C.45:9-27.18) is amended to
12 read as follows:

13 9. a. A physician assistant **【and a temporary licensed**
14 **physician assistant】** shall be under the **【direct】** supervision of a
15 physician at all times during which the physician assistant **【or**
16 **temporary licensed physician assistant】** is working in **【his】** an
17 official capacity.

18 b. **【In an inpatient setting, direct supervision】** Supervision of a
19 physician assistant shall **【include, but not be limited to:】** be
20 continuous but shall not be construed as necessarily requiring the
21 physical presence of the supervising physician, provided that the
22 supervising physician and physician assistant ¹【are or can be easily
23 in contact with each other by】 maintain contact through¹ electronic
24 ¹, or other means of,¹ communication.

25 (1) **【continuing or intermittent presence with constant**
26 **availability through electronic communications;】** (Deleted by
27 amendment, P.L. , c.)(pending before the Legislature as this
28 bill)

29 (2) **【regularly scheduled review of the practice of the physician**
30 **assistant; and】** (Deleted by amendment, P.L. , c.)(pending
31 before the Legislature as this bill)

32 (3) **【personal review by a physician of all charts and records of**
33 **patients and countersignature by a physician of all medical orders,**
34 **including prescribing and administering medication, within 24**
35 **hours of their entry by the physician assistant.】** (Deleted by
36 amendment, P.L. , c.)(pending before the Legislature as this
37 bill)

38 c. **【In an outpatient setting, direct supervision of a physician**
39 **assistant shall include, but not be limited to:】** (Deleted by
40 amendment, P.L. , c.)(pending before the Legislature as this
41 bill)

42 (1) **【constant availability through electronic communications;】**
43 (Deleted by amendment, P.L. , c.)(pending before the
44 Legislature as this bill)

1 (2) **【regularly scheduled review of the practice of the physician**
 2 **assistant; and】** (Deleted by amendment, P.L. , c.)(pending
 3 before the Legislature as this bill)

4 (3) **【personal review by a physician of the charts and records of**
 5 **patients and countersignature by a physician of all medical orders,**
 6 **within seven days of their entry by the physician assistant, except**
 7 **that in the case of any medical order prescribing or administering**
 8 **medication, a physician shall review and countersign the order**
 9 **within 48 hours of its entry by the physician assistant.】** (Deleted by
 10 amendment, P.L. , c.)(pending before the Legislature as this
 11 bill)

12 d. **【In any setting, direct supervision of a temporary licensed**
 13 **physician assistant shall include, but not be limited to:】** (Deleted by
 14 amendment, P.L. , c.)(pending before the Legislature as this
 15 bill)

16 (1) **【continuing physical presence of a physician or a licensed**
 17 **physician assistant;】** (Deleted by amendment, P.L. , c.)(pending
 18 before the Legislature as this bill)

19 (2) **【regularly scheduled review by a physician of the practice of**
 20 **the temporary licensed physician assistant; and】** (Deleted by
 21 amendment, P.L. , c.)(pending before the Legislature as this
 22 bill)

23 (3) **【personal review by a physician of all charts and records of**
 24 **patients within 24 hours of an entry by the temporary licensed**
 25 **physician assistant.】** (Deleted by amendment, P.L. , c.)(pending
 26 before the Legislature as this bill)

27 e. It is the obligation of each supervising physician and
 28 physician assistant to ensure that: (1) the physician assistant's
 29 scope of practice is identified; (2) delegation of medical tasks is
 30 appropriate to the physician assistant's level of competence; (3) the
 31 relationship of, and access to, the supervising physician is defined;
 32 and (4) a process for evaluation of the physician assistant's
 33 performance is established.

34 (cf: P.L.1998, c.125, s.2)

35
 36 7. Section 10 of P.L.1991, c.378 (C.45:9-27.19) is amended to
 37 read as follows:

38 10. A physician assistant **【treating a patient in an inpatient or**
 39 **outpatient setting】** may order **【or】** , prescribe, dispense, and
 40 administer medications **【, subject to the following conditions:】** and
 41 medical devices to the extent delegated by a supervising physician.

42 a. **【controlled】** Controlled dangerous substances may only be
 43 ordered or prescribed if:

44 (1) a supervising physician has authorized a physician assistant to
 45 order or prescribe Schedule II, III, IV ^{2,2} or V controlled dangerous
 46 substances **【in order to:】** ¹in order to ²**【:】** ²

1 (a) ~~continue or reissue an order or prescription for a controlled~~
2 ~~dangerous substance issued by the supervising physician;~~ ¹~~[(Deleted~~
3 ~~by amendment, P.L. , c.)(pending before the Legislature as this~~
4 ~~bill)]~~ continue or reissue an order or prescription for a controlled
5 dangerous substance issued by the supervising physician;¹

6 (b) ~~otherwise adjust the dosage of an order or prescription for a~~
7 ~~controlled dangerous substance originally ordered or prescribed by the~~
8 ~~supervising physician, provided there is prior consultation with the~~
9 ~~supervising physician;~~ ¹~~[(Deleted by amendment,~~
10 ~~P.L. , c.)(pending before the Legislature as this bill)]~~ otherwise
11 adjust the dosage of an order or prescription for a controlled dangerous
12 substance originally ordered or prescribed by the supervising
13 physician, provided there is prior consultation with the supervising
14 physician;¹

15 (c) ~~initiate an order or prescription for a controlled dangerous~~
16 ~~substance for a patient, provided there is prior consultation with the~~
17 ~~supervising physician if the order or prescription is not pursuant to~~
18 ~~subparagraph (d) of this paragraph; or~~ ¹~~[(Deleted by amendment,~~
19 ~~P.L. , c.)(pending before the Legislature as this bill)]~~ initiate an
20 order or prescription for a controlled dangerous substance for a patient,
21 provided there is prior consultation with the supervising physician if
22 the order or prescription is not pursuant to subparagraph (d) of this
23 paragraph; or¹

24 (d) ~~initiate an order or prescription for a controlled dangerous~~
25 ~~substance as part of a treatment plan for a patient with a terminal~~
26 ~~illness, which for the purposes of this subparagraph means a medical~~
27 ~~condition that results in a patient's life expectancy being 12 months or~~
28 ~~less as determined by the supervising physician;~~ ¹~~[(Deleted by~~
29 ~~amendment, P.L. , c.)(pending before the Legislature as this bill)]~~ initiate an order or prescription for a controlled dangerous substance as
30 part of a treatment plan for a patient with a terminal illness, which for
31 the purposes of this subparagraph means a medical condition that
32 results in a patient's life expectancy being 12 months or less as
33 determined by the supervising physician;¹

35 (2) the physician assistant has registered with ^{2, 2} and obtained
36 authorization to order or prescribe controlled dangerous substances
37 from ^{2, 2} the federal Drug Enforcement Administration ²~~[,]~~² and any
38 other appropriate State and federal agencies; and

39 (3) the physician assistant complies with ~~all requirements which~~
40 ~~the board shall establish by regulation for the administration of~~
41 ~~controlled dangerous substances pursuant to section 15 of P.L.1991,~~
42 ~~c.378 (C.45:9-27.24) and applicable requirements with respect to~~
43 ~~educational programs approved by the board pursuant to section 17 of~~
44 ~~P.L.1991, c.378 (C.45:9-27.26) and~~ ¹all requirements which the
45 board shall establish by regulation for the ordering, prescription, or
46 administration of controlled dangerous substances ²[pursuant to

1 section 15 of P.L.1991, c.378 (C.45:9-27.24)]², ²all² applicable

2 educational program requirements ²[approved by the board pursuant

3 to section 17 of P.L.1991, c.378 (C.45:9-27.26)]², and¹ continuing

4 professional education programs approved pursuant to section 16 of

5 P.L.1991, c.378 (C.45:9-27.25) ²; ²

6 b. [the order or prescription is administered in accordance with

7 protocols or specific physician direction pursuant to subsection b. of

8 section 7 of P.L.1991, c.378 (C.45:9-27.16);] (Deleted by amendment,

9 P.L. , c.)(pending before the Legislature as this bill)

10 c. [the prescription states whether it is written pursuant to

11 protocol or specific physician direction; and] (Deleted by amendment,

12 P.L. , c.)(pending before the Legislature as this bill)

13 d. [the physician assistant signs his own name, prints his name

14 and license number and prints the supervising physician's name, and in

15 the case of an order or prescription for a controlled dangerous

16 substance, prints the physician assistant's Drug Enforcement

17 Administration registration number.] ¹(Deleted by amendment,

18 P.L. , c.)(pending before the Legislature as this bill)] In the case of

19 an order or prescription for a controlled dangerous substance, the

20 physician assistant shall print ²[thereon] on the order or prescription²

21 the physician assistant's Drug Enforcement Administration registration

22 number.¹

23 e. The dispensing of medication or a medical device by a

24 physician assistant shall comply with relevant federal and State

25 regulations, and shall occur only if: (1) pharmacy services are not

26 reasonably available; (2) it is in the best interest of the patient; or (3)

27 the physician assistant is rendering emergency medical assistance.

28 f. A physician assistant may request, receive, and sign for

29 prescription drug samples and may distribute those samples to patients.

30 (cf: P.L.2005, c.48, s.1)

31

32 8. Section 12 of P.L.1991, c.378 (C.45:9-27.21) is amended to

33 read as follows:

34 12. The committee shall annually elect from among its members

35 a president and vice-president. The committee shall meet [at least

36 twice each year] ¹[monthly] six times a year¹ and may hold

37 additional meetings ¹[,]¹ as necessary to discharge its duties. In

38 addition to such meetings, the committee shall meet at the call of

39 the president, the board, or the Attorney General.

40 (cf: P.L.1992, c.102, s.7)

41

42 9. Section 14 of P.L.1991, c.378 (C.45:9-27.23) is amended to

43 read as follows:

44 14. a. The committee may have the following powers and duties,

45 as delegated by the board:

- 1 (1) to evaluate and pass upon the qualifications of candidates for
2 licensure;
- 3 (2) to take disciplinary action, in accordance with P.L.1978, c.73
4 (C.45:1-14 et seq.)^{2,2} against a physician assistant who violates any
5 provision of this act; and
- 6 (3) **【to adopt and administer the examination to be taken by**
7 **applicants for licensure; and】** (Deleted by amendment,
8 P.L. , c.)(pending before the Legislature as this bill)
- 9 (4) subject to the requirements of section 16 of **【this act】**
10 P.L.1991, c.378 (C.45:9-27.25), to adopt standards for and approve
11 continuing education programs.
- 12 b. In addition to the powers and duties specified in subsection a.
13 of this section, the committee may make recommendations to the
14 board regarding any subjects pertinent to this act or to the practice of
15 physician assistants.
16 (cf: P.L.1992, c.102, s.9)
- 17
- 18 10. Section 17 of P.L.1991, c.378 (C.45:9-27.26) is amended to
19 read as follows:
- 20 17. **【The】** In consultation with the committee, the board shall, in
21 addition to such other powers and duties as it may possess by law:
- 22 a. Administer and enforce the provisions of **【this act】**
23 P.L.1991, c.378 (C.45:9-27.10 et seq.);
- 24 b. Adopt and promulgate rules and regulations, pursuant to the
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
26 seq.), to effectuate the purposes of **【this act】** P.L.1991, c.378
27 (C.45:9-27.10 et seq.);
- 28 c. Establish professional standards for persons licensed under
29 **【this act】** P.L.1991, c.378 (C.45:9-27.10 et seq.);
- 30 d. Conduct hearings pursuant to the "Administrative Procedure
31 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that the board
32 shall have the right to administer oaths to witnesses, and shall have
33 the power to issue subpoenas for the compulsory attendance of
34 witnesses and the production of pertinent books, papers, or records;
- 35 e. Conduct proceedings before any board, agency, or court of
36 competent jurisdiction for the enforcement of the provisions of
37 **【this act】** P.L.1991, c.378 (C.45:9-27.10 et seq.);
- 38 f. Evaluate and pass upon the qualifications of candidates for
39 licensure;
- 40 g. **【Establish standards for and approve educational programs**
41 **for physician assistants as required by paragraph (3) of subsection**
42 **a. of section 4 of this act;】** (Deleted by amendment,
43 P.L. , c.)(pending before the Legislature as this bill)
- 44 h. **【Adopt and administer the examination to be taken by**
45 **applicants for licensure;】** (Deleted by amendment,
46 P.L. , c.)(pending before the Legislature as this bill)

1 i. Subject to the requirements of section 16 of **[this act]**
 2 P.L.1991, c.378 (C.45:9-27.25), establish standards for and approve
 3 continuing education programs; and

4 j. Have the enforcement powers provided pursuant to
 5 P.L.1978, c.73 (C.45:1-14 et seq.).
 6 (cf: P.L.1992, c.102, s.12)

7
 8 ¹11. (New Section) ²a.² A physician assistant who engages in
 9 clinical practice in this State is required to be covered by medical
 10 malpractice liability insurance, or if such liability coverage is not
 11 available, by a letter of credit. The board shall establish by regulation
 12 the minimum amount for medical malpractice liability insurance
 13 coverage or lines of credit.

14 ²b.² The physician assistant shall ²[notify the board of] include,
 15 on the physician assistant's license renewal form,² the name and
 16 address of the insurance carrier or the institution issuing the letter of
 17 credit ²[on the physician assistant's license renewal form] to the
 18 physician assistant² .

19 ²c.² A physician assistant who is in violation of this section is
 20 subject to disciplinary action and civil penalties pursuant to sections 8,
 21 9, and 12 of P.L.1978, c.73 (C.45:1-21 to 22 and 45:1-25).

22 ²d.² The board shall notify all licensed physician assistants of the
 23 requirements of this section within 30 days of the date of enactment of
 24 P.L. , c. (C.) (pending before the Legislature as this bill).¹

25
 26 ¹[11.] ¹12.¹ (New section) a. A physician assistant licensed in
 27 this State, or licensed or authorized to practice in any other jurisdiction
 28 of the United States or credentialed as a physician assistant by a
 29 federal employer, who is responding to a need for medical care created
 30 by an emergency or a State or local disaster, excluding an emergency
 31 situation that occurs in the place of the physician assistant's
 32 employment, may render such care as the physician assistant is able to
 33 provide without supervision, or with such supervision as is available.

34 b. A physician who supervises a physician assistant providing
 35 medical care in response to an emergency or a State or local disaster
 36 shall not be required to meet the requirements set forth for a
 37 supervising physician in P.L.1991, c.378 (C.45:9-27.10 et seq.).

38 c. ²(1)² A physician assistant licensed in this State, or licensed or
 39 authorized to practice in any other jurisdiction of the United States,
 40 who voluntarily and gratuitously, and other than in the ordinary course
 41 of employment or practice, renders emergency medical assistance,
 42 shall not be liable for civil damages for any personal injury that results
 43 from an act or omission by the physician assistant in rendering
 44 emergency care that may constitute ordinary negligence. ²[The
 45 immunity granted by this section shall not apply to an act or omission
 46 constituting gross, willful, or wanton negligence or when the medical

1 assistance is rendered at a hospital, physician's office, or other health
2 care delivery entity where those services are normally rendered.】

3 (2)² A physician who supervises a physician assistant voluntarily
4 and gratuitously providing emergency care as described in this
5 subsection shall not be liable for civil damages for any personal injury
6 that results from an act or omission by the physician assistant
7 rendering emergency care.

8 ²d. The immunity granted under subsection c. of this section shall
9 not apply to an act or omission constituting gross, willful, or wanton
10 negligence or when the medical assistance is rendered at a hospital,
11 physician's office, or other health care delivery entity where those
12 services are normally rendered.²

13
14 ¹【12.】 13.¹ Section 4 of P.L.1983, c.308 (C.26:6-8.1) is amended
15 to read as follows:

16 4. a. Where there has been an apparent death that is not governed
17 by the provisions of section 4 of P.L.1991, c.90 (C.26:6A-4), a
18 registered professional nurse licensed by the New Jersey Board of
19 Nursing under P.L.1947, c.262 (C.45:11-23 et seq.) ²【.】² or a
20 physician assistant licensed pursuant to P.L.1991, c.378 (C.45:9-27.10
21 et seq.) may make the actual determination and pronouncement of
22 death and shall attest to this pronouncement by: signing in the space
23 designated for this signature on the certificate of death under R.S.26:6-
24 7; or, for the purposes of the NJ-EDRS, transmitting orally or in
25 writing a report of the pronouncement to the attending, covering ^{2,2}
26 resident physician, or the county medical examiner.

27 b. (Deleted by amendment, P.L.2006, c.86).
28 (cf: P.L.2006, c.86, s.1)

29

30 ¹【13.】 14.¹ Section 1 of P.L.1988, c.125 (C.26:6-8.2) is
31 amended to read as follows:

32 1. If the attending physician, registered professional nurse,
33 physician assistant, or State or county medical examiner who makes
34 the actual determination and pronouncement of death determines or
35 has knowledge that the deceased person was infected with human
36 immunodeficiency virus (HIV) or hepatitis B virus or that the
37 deceased person suffered from acquired immune deficiency
38 syndrome (AIDS), AIDS related complex (ARC),₂ or any of the
39 contagious, infectious,₂ or communicable diseases as shall be
40 determined by the Commissioner of the Department of Health, the
41 attending physician, registered professional nurse, physician
42 assistant, or State or county medical examiner shall immediately
43 place with the remains written notification of the condition and
44 shall provide written notification of the condition to the funeral
45 director who is responsible for the handling and the disposition of
46 the body.

47 (cf: P.L.1988, c.125, s.1)

1 ¹**[14.]** 15.¹ The following sections are repealed:
2 Section 5 of P.L.1991, c.378 (C.45:9-27.14);
3 Section 15 of P.L.1991, c.378 (C.45:9-27.24); and
4 Section 3 of P.L.1993, c.337 (C.45:9-27.19a) ^{2 2}_.

5
6 ¹**[15.]** 16.¹ This act shall take effect on the first day of the
7 seventh month next following the date of enactment, but the State
8 Board of Medical Examiners and the Physician Assistant Advisory
9 Committee may take such anticipatory administrative action in
10 advance thereof as shall be necessary for the implementation of this
11 act.